

## Message Text

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ACTION DLOS-06

INFO OCT-01 EUR-12 EA-07 IO-13 ISO-00 FEA-01 ACDA-07

AGR-05 AID-05 CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-01

COME-00 DODE-00 DOTE-00 EB-07 EPA-01 ERDA-05 FMC-01

TRSE-00 H-02 INR-07 INT-05 JUSE-00 L-03 NSAE-00

NSC-05 NSF-01 OES-06 OMB-01 PA-01 PM-04 PRS-01 SP-02

SS-15 USIA-06 SAL-01 AGRE-00 /134 W

----- 116140

P R 010735Z SEP 76

FM AMEMBASSY TOKYO

TO SECSTATE WASHDC PRIORITY 2641

INFO AMEMBASSY KUALA LUMPUR

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMEMBASSY SEOUL

AMEMBASSY SINGAPORE

USMISSION USUN NEW YORK

CINCPAC HONOLULU HI

C O N F I D E N T I A L TOKYO 14741

CINCPAC ALSO FOR POLAD

E.O. 11652: GDS

TAGS: PLOS, JA

SUBJECT: THE STRAITS QUANDARY

REFS: A. USUN 3469; B. USUN 3719; C. TOKYO 1717; D. TOKYO  
12975

SUMMARY: FAILURE TO ACHIEVE NEGOTIATIONG BREAKTHROUGH AT  
LOS SUMMER SESSION HAS MOVED GOJ TO DEFER PROMISED  
EXTENSION OF TERRITORIAL SEA RATHER THAN RE-INTERPRET  
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(OR, AS OPPOSITION WOULD HAVE IT, "MUTILATE")

SACROSANCT NON-NUCLEAR PRINCIPLES. GOJ WILLINGNESS TO EXPECTED OUTCRY FROM COASTAL FISHERMEN UNDERSCORES IMPORTANCE IT PLACES ON INTERNATIONAL ENDORSEMENT OF PRESENT LOS TREATY DRAFT FORMULATION ON STRAITS TRANSIT AS ONLY VIABLE WAY OF JUSTIFYING CONTINUED ACCESS OF NUCLEAR-ARMED VESSELS TO KEY JAPANESE STRAITS. POSTPONEMENT OF DECISION DOES NOT PROVIDE SOLUTION TO PROBLEM. NOR IS EXTENSION OF TERRITORIAL SEA ONLY ISSUE THAT INFLUENCES JAPANESE ON STRAITS TRANSIT QUESTIONS. FONOFF ARGUES THAT MALAYSIAN NOTION THAT STRAITS STATES SHOULD HAVE RIGHT TO DENY TRANSIT TO "DANGEROUS" VESSELS WOULD DESTROY GOJ POSITION THAT UNDER EXPECTED LOS REGIME JAPAN COULD NOT DISCRIMINATE AMONG CLASSES OF VESSELS ALLOWED STRAITS TRANSIT. IT MAINTAINS THAT THIS DOMESTIC POLITICAL CONSIDERATION, AND NOT ECONOMIC COSTS, COMPELS IT TO OPPOSE GOM PROPOSAL. END SUMMARY.

1. GOJ HAS EVIDENTLY RESOLVED NOT TO EXTEND TERRITORIAL WATERS IN 1976, AS PREVIOUSLY PLEDGED TO DOMESTIC INTERESTS. PRIME MINISTER MIKI ON SEPTEMBER 29 TOLD SOCIALIST INTERPELLATOR IN DIET THAT GOJ EXPECTATION LAST FEBRUARY THAT LOS CONFERENCE WOULD REACH A CONCLUSION DURING 1976 HAD BEEN UNDULY OPTIMISTIC. THEREFORE, HE SAID, HIS STATEMENT THEN THAT GOJ WOULD TAKE STEPS TO EXTEND TERRITORIAL SEA TO TWELVE MILES BEFORE YEAR-END WAS NO LONGER OPERATIVE. MIKI CONTINUED THAT IT WAS DESIRABLE THAT STEP BE TAKEN IN CONTEXT OF INTERNATIONALLY-RECOGNIZED REGIME FOR THE SEAS, AND SO GOJ NOW PROPOSED TO TABLE ISSUE UNTIL AFTER NEXT SESSION OF LOS CONFERENCE IN MAY, 1977.

2. MIKI'S STATEMENT, CERTAIN TO INFURIATE VOLATILE COASTAL FISHERMEN'S LOBBY, EVIDENTLY PROCEEDED FROM CALCULATION THAT IT WAS BETTER TO RENEGE ON PROMISE THAN TO SEEK TO AMEND SACROSANCT "NON-NUCLEAR PRINCIPLES" IN ABSENCE OF LOS TREATY. ONE OF PRINCIPLES, ADDRESSEES MAY RECALL, FORBIDS TRANSIT OF NUCLEAR WEAPONS THROUGH JAPANESE TERRITORY. EXTENSION  
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OF TERRITORIAL WATERS WOULD THUS BAR PASSAGE OF CERTAIN STRAITS BY NUCLEAR ARMED WARSHIPS, AND GOJ HAS BANKED ON USING RSNT PROVISIONS ON STRAITS TRANSIT AS JUSTIFICATION FOR OVERRIDING NON-NUCLEAR PRINCIPLE PROSCRIPTION.

3. MOFA LOS OFFDIR KUME ON SEPTEMBER 30 CONFIRMED THAT MIKI'S STATEMENT WAS RESULT OF CAREFUL INTERAGENCY REVIEW OF VARIOUS UNPALATABLE OPTIONS.

FONOFF EXPECTS ADVERSE REACTION--SO FAR LIMITED TO  
UNPUBLICIZED COMPLAINTS FROM LDP DIETMEN WHO  
REPRESENT FISHERIES-CONSCIOUS CONSTITUENCIES--TO  
SWELL WITH REAPPEARANCE SOON OF RAPACIOUS SOVIET  
AND ROK FLEET OFF JAPANESE SHORES.

4. NEED TO PROTECT FISHERIES IS NOT ONLY FACTOR  
IMPACTING ON GOJ MANAGEMENT OF NUCLEAR TRANSIT PROBLEM.  
KUME ALSO MADE EXPLICIT LINK BETWEEN DOMESTIC TERRITORIAL  
SEA/STRAITS DILEMMA AND RECENT MALAYSIAN INITIATIVE  
AIMED AT ESTABLISHING RIGHT OF STRAITS STATES  
TO BAR TRANSIT OF VESSELS JUDGED DANGEROUS  
TO PUBLIC INTEREST. ECHOING LOS CHIEFDEL  
FUJISAKI'S COMMENTS IN PARA 4 OF REF A, KUME  
SAID THAT SHOULD MALAYSIANS SUCCEED IN WINNING  
ACCEPTANCE OF STRAITS-STATES RIGHT, FOR WHATEVER PURPOSE,  
TO DISCRIMINATE AMONG CLASSES OF VESSELS ALLOWED  
TRANSIT, GOJ POSITION THAT UNDER EXPECTED  
STRAITS REGIME IT COULD NOT DISCRIMINATE AGAINST  
NUCLEAR WEAPONS-CARRYING VESSELS WOULD NO LONGER  
BE DOMESTICALLY VIABLE. THIS, AND NOT ECONOMIC  
COSTS OF REROUTING VLCC'S THROUGH LOMBOK STRAITS,  
KUME EMPHASIZED, WAS CRUX OF JAPANESE DILEMMA.  
IF MALAYSIAN CLAIM ADMITTED, POPULAR PRESSURE WILL  
BUILD IN JAPAN FOR EXTENDING TERRITORIAL SEA WHILE  
DENYING STRAITS TRANSIT OF NUCLEAR ARMED VESSELS.  
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## Message Attributes

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